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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/741,717	12/20/2000	Valerie Crocitti	PF990099	7519

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Patent Operations  
Thomson Multimedia Licensing, Inc.  
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Princeton, NJ 08543-0028

EXAMINER

TRAN, TRANG U

ART UNIT	PAPER NUMBER
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2614

DATE MAILED: 07/08/2003

4

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/741,717

Applicant(s)

CROCITTI ET AL.

Examiner

Trang U. Tran

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Lazarus et al. (US Patent No. 5,652,613).

In considering claim 1, Lazarus et al. discloses all the claimed subject matter, note 1) the claimed wherein it furthermore includes means of reception of said service data and of usage criteria associated with the usage of these service data is met by the set-top box which has the database which constructed in DRAM 18 (col. 3, lines 7-44), 2) the claimed a processing module able to correlate the usage criteria of said service data and storage criteria characterizing the memory with a view to determining the conditions of storage of the service data in said memory, the processing module being activated automatically on receipt of said service data and of the associated usage criteria is met by the microcontroller 16 which provides a suitable processor means for executing the programming (Fig. 1, col. 3, line 30 to col. 7, line 23).

In considering claim 2, the claimed wherein it is linked to at least one internal memory and/or external memory and/or remote memory is met by the memory EEPROM 20 (col. 3, lines 7-44).

In considering claim 3, the claimed wherein it furthermore includes an evaluation module for determining the characteristics of said at least one memory and for including the characteristics thus determined in the storage criteria is met by the "housekeeping" routine 100 function which creates free space in the memory used for schedule information storage (Fig. 1, col. 3, line 45 to col. 5, line 20).

In considering claim 4, the claimed wherein it furthermore comprises a reorganization module analyzing the storage criteria so as to trigger a procedure for reorganizing the allocation of the stored information so as to free some space in the memory while complying with the usage criteria of the stored service data is met by the "housekeeping" routine 100 function and the triage routine 140 which create free space in the memory used for schedule information storage (Fig. 1, col. 3, line 45 to col. 7, line 23).

Claim 5 is rejected for the same reason as discussed in claim 4.

In considering claim 6, the claimed wherein the memory is of retentive type is met by the memory EEPROM 20 (col. 3, lines 7-44).

Claim 7 is rejected for the same reason as discussed in claim 1.

Claims 8-9 are rejected for the same reason as discussed in claims 3-4, respectively.

Claim 10 is rejected for the same reason as discussed in claim 4.

In considering claim 11, the claimed wherein the reorganizing step is activated automatically during periods of non-usage of the receiver and/or upon the activation of a service data storage request is met by col. 3, line 45 to col. 4, line 9.

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In considering claim 12, the claimed wherein the reorganizing step includes an operation of compressing the data in the memory followed by an operation of storing the data thus compressed is met by the triage routine 140 which creates free space in the memory used for schedule information storage (Fig. 1, col. 5, line 22 to col. 7, line 23).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lazarus et al. (US Patent No. 5,652,613).

In considering claim 13, Lazarus et al. disclose all the limitations of the instant invention as discussed in claims 7 and 9 above, except for providing the claimed wherein the reorganizing step includes a step of transferring the data to an external or remote memory of the television receiver. The capability of using the step of transferring the data to an external or remote memory of the television receiver is old and well known in the art. Therefore, the Official Notice is taken. It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the old and well known the step of transferring the data to an external or remote memory of the television receiver into Lazarus et al's system in order to provide more memory storage capacity so as to maximize the perceived value of the EPG to the user.

***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Thijssen (US Patent No. 6,230,163 B1) discloses transient datastream-processing buffer memory organization with software management adapted for multilevel housekeeping.

Ando (US Patent No. 6,104,389) discloses broadcast receiving method and broadcast receiving apparatus therefor.

Rzeszewski et al (US Patent No. 5,917,481) disclose electronic television program guide with selective updating.

Hallenbeck (US Patent No. 5,038,211) discloses method and apparatus for transmitting receiving television program information.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Trang U. Tran** whose telephone number is **(703) 305-0090**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **John W. Miller**, can be reached at **(703) 305-4795**.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**


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**(703) 872-9314 (for Technology Center 2600 only)**

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

TT *TY*  
June 23, 2003

  
JOHN MILLER  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600